

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-7844**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

LEON FITZGERALD BLOUNT, a/k/a John Doe, a/k/a  
Pookie,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle  
District of North Carolina, at Durham. James A. Beaty, Jr.,  
District Judge. (CR-00-137, CA-01-1076-1)

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Submitted: March 26, 2003

Decided: April 11, 2003

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Before WILKINSON, NIEMEYER, and SHEDD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Leon Fitzgerald Blount, Appellant Pro Se. Angela Hewlett Miller,  
OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina,  
for Appellee.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Leon Fitzgerald Blount, a federal prisoner, seeks to appeal the district court's order denying relief on his motion filed under 28 U.S.C. § 2255 (2000). An appeal may not be taken from the final order in a § 2255 proceeding unless a circuit justice or judge issues a certificate of appealability. See 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue for claims addressed by a district court on the merits absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000); see also Rose v. Lee, 252 F.3d 676, 683 (4th Cir.), cert. denied, 534 U.S. 941 (2001). We have independently reviewed the record and conclude that Blount has not made the requisite showing. See Miller-El v. Cockrell, 123 S. Ct. 1029, 2003 WL 431659, at \*10 (U.S. Feb. 25, 2003) (No. 01-7662). Accordingly, we deny a certificate of appealability, deny Blount's motion for in forma pauperis status, and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED